

STANDARD APPLICATION  
Harford County  
Board of Appeals  
Bel Air, Maryland 21014

Case No. 5547  
Date Filed 6/5/06  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$400.00

Shaded Areas for Office Use Only

Type of Application

- ☒ Administrative Decision/Interpretation  
☒ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5547 MAP 49 TYPE Special Exception

ELECTION DISTRICT 04 LOCATION 2278 Baldwin Mill Road, Fallston 21047

BY Walter and Cheryl Rupp

Appealed because a special exception pursuant to Sec. 267-53F (2) of the Harford County Code to permit a personal care boarding home in the AG district requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Walter A Rupp Phone Number 410 557-9040  
Address 2278 Baldwin Mill Rd Fallston MD 21047  
Street Number Street City State Zip Code

Co-Applicant Cheryl M Rupp Phone Number 410 557-9040  
Address Same as above  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

**Land Description**Address and Location of Property 2278 Baldwin Mill Rd Fallston 21047Subdivision LD B. Elliot Lot Number 1Acreage/Lot Size 2.9 Election District 04 Zoning A6Tax Map No. 39 Grid No. 4B Parcel 304 Water/Sewer: Private ☒ Public ☐List ALL structures on property and current use: 1 SINGLE FAMILY DWELLINGEstimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

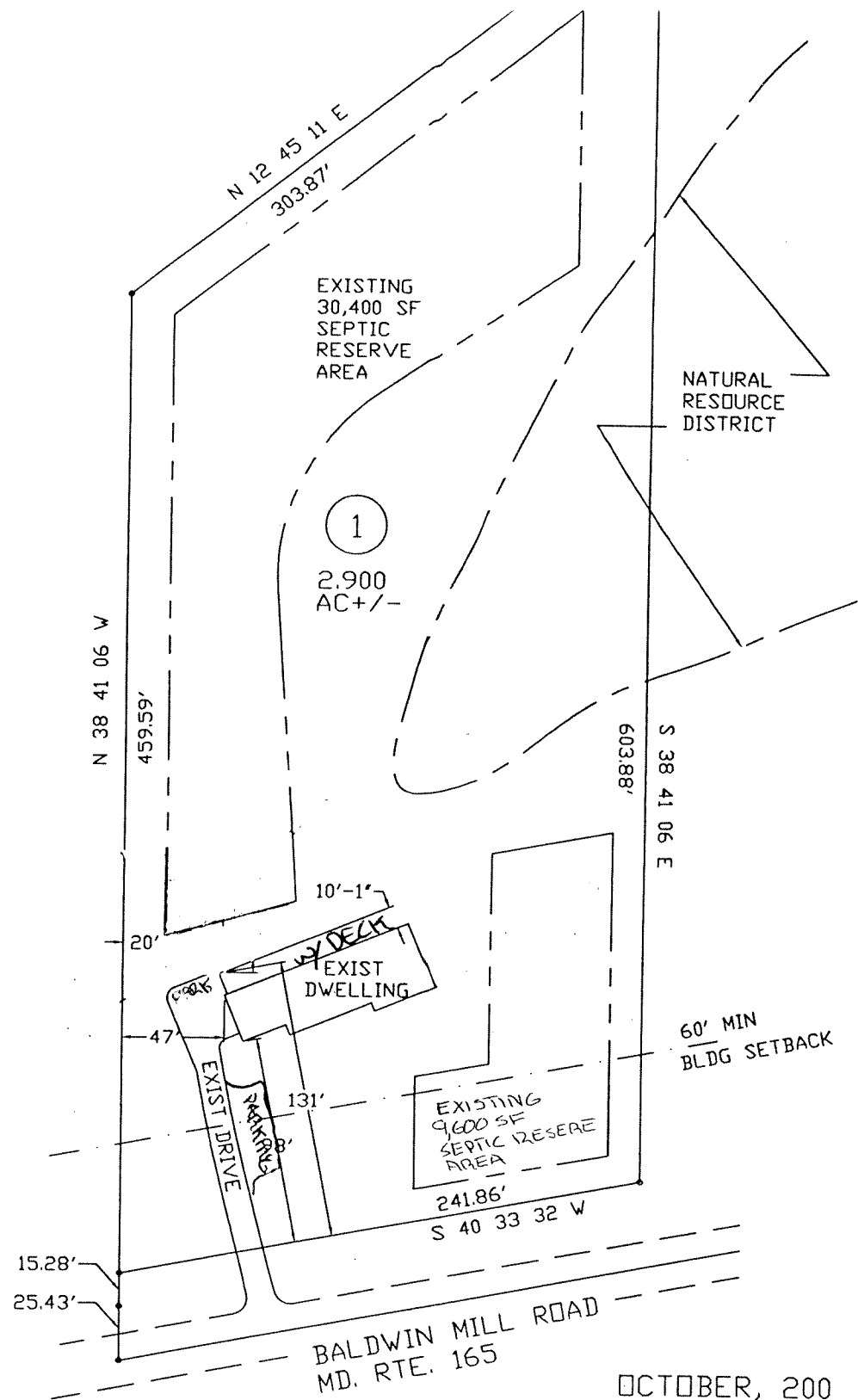
Would approval of this petition violate the covenants and restrictions for your property? NOIs this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒**Request**Request to increase our Assisted Living Facility / Personal Care  
Breeding Home from 3 residents, to 5 residents, w/ a possible  
14 residents.**Justification**We have been serving seniors in our home since Nov. 02.  
We provide 24/7 care. Our home is spacious + we sit on  
2.9 acres of beautiful scenic country side. None of the  
residents drive but there is adequate parking for 8-10  
cars: for visitors, staff + us.

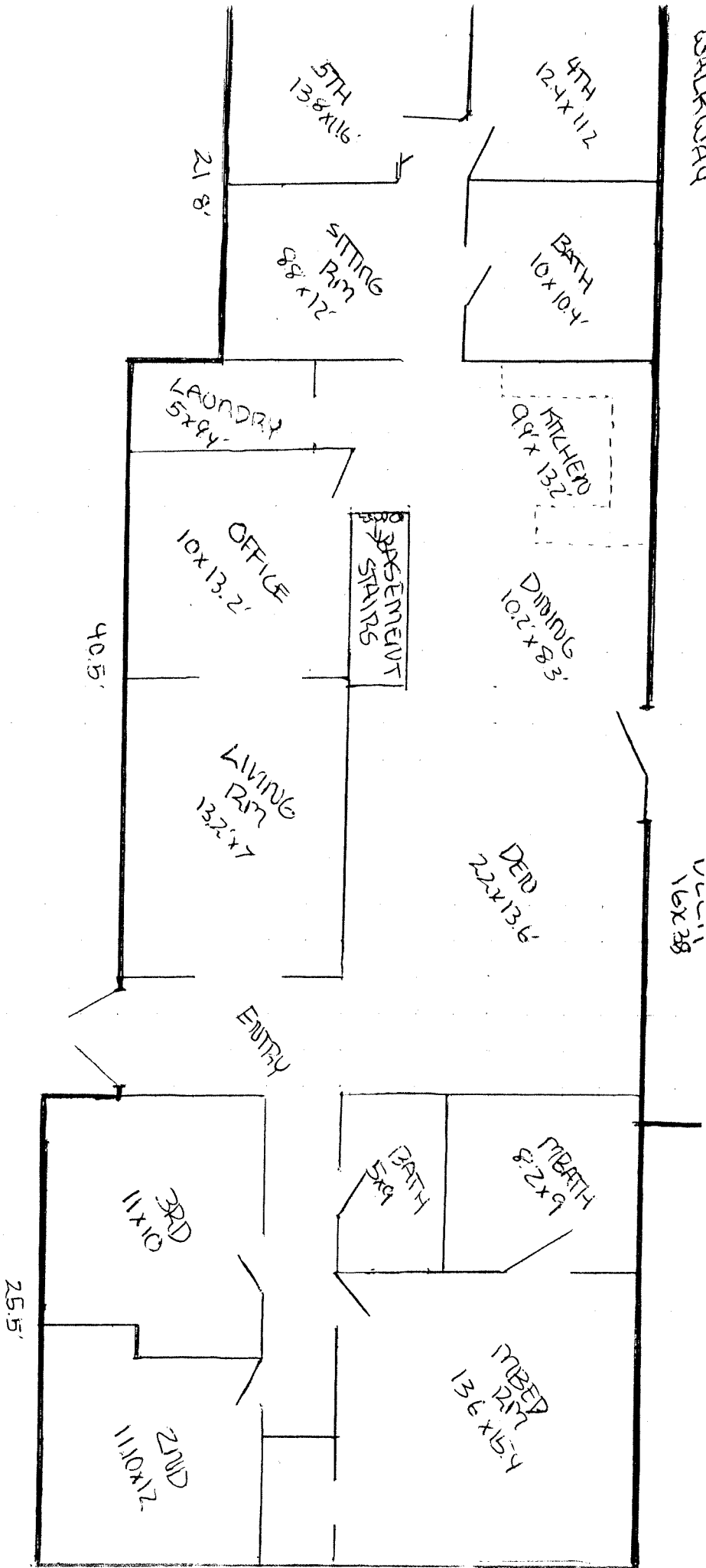
If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Parking  
for  
vehicles



PROPOSED SITE PLAN FOR AUXILLIARY  
BUILDING AT 2278 BALDWIN MILL ROAD  
LIBER 57 FOLIO 53

OCTOBER, 200  
SCALE: 1" = 60'



HOUSE OF JOHNNIE  
 MASTER + CHEER ROSE  
 2278 BAUDWIN MILL RD  
 FAUSTON, MD 21047

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

July 12, 2006

### STAFF REPORT

### BOARD OF APPEALS CASE NO. 5547

APPLICANT/OWNER: Walter A Rupp  
2278 Baldwin Mill Road, Fallston, Maryland 21047

Co-APPLICANT: Cheryl M. Rupp  
2278 Baldwin Mill Road, Fallston, Maryland 21047

REPRESENTATIVE: Applicants

LOCATION: 2278 Baldwin Mill Road – Land of R. Elliot  
Tax Map: 39 / Grid: 4B / Parcel: 304 / Lot: 1  
Election District: Fourth (4)

ACREAGE: 2.9 acres

ZONING: AG/Agricultural

DATE FILED: June 5, 2006

HEARING DATE: August 16, 2006

### APPLICANT'S REQUEST and JUSTIFICATION:

#### Request:

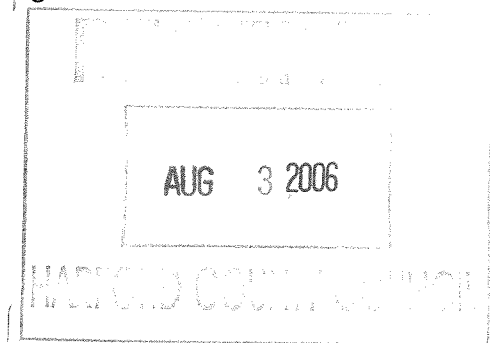
“Request to increase our Assisted Living Facility/Personal Care Boarding Home from 3 residents to 5 residents with a possible 14 residents.”

*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.



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Walter and Cheryl Rupp

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### Justification:

“We have been serving seniors in our home since November 2002. We provide 24/7 care. Our home is spacious and we sit on 2.9 acres of beautiful scenic country side. None of the residents drive, but there is adequate parking for 8-10 cars for visitors, staff and us.”

### **CODE REQUIREMENTS:**

The Applicants are requesting approval for a special exception pursuant to Section 267-53F (8) of the Harford County Code, to permit a personal care boarding home in the Agricultural District.

Section 267-53F(8) of the Harford County Code reads:

- (8) *Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*
- (a) *The proposed use shall be located in a single-family detached dwelling.*
  - (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residences in the district where located.*
  - (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*
  - (d) *Adequate off-street parking shall be provided.*
  - (e) *Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 1).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicant's property is situated on the west side of Baldwin Mill Road, approximately 0.5 miles north of the intersection of Fallston Road (MD Route 152). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The property is located outside of the Development Envelopment. The predominant land use designation in this area of the County is Agricultural. Other land use designations include Rural Residential and the Village of Upper Cross Roads. The Natural Features Map reflects Agricultural Preservation Districts and Easements, Maryland Environment Trust Easements, Sensitive Species Project Review Areas, Rural Legacy Easements and Stream Systems. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

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***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the Master Plan. The predominant land use is Agriculture consisting of cropland, pastureland and large areas of dense woodland. The area contains numerous single family residential developments. There are commercial uses located at the intersection of MD 165 and MD 152. Other land uses include schools, churches and the Fallston fire station. The topography for the area ranges from rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the topography map and the aerial photograph (Attachments 6 and 7).

The subject property is a rectangular shaped parcel 2.9 acres in size with frontage on Baldwin Mill Road (MD Route 165). The property sits approximately 8 to 10 feet above the road and is level to gently sloping to the dwelling. From the rear of the dwelling the land slopes sharply to the rear. Improvements consist of a brick rancher with an attached 2 car garage, deck attached to the rear of the dwelling, blacktop driveway with turning and parking area in front of the garage and a gravel parking area to the right side of the driveway. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are also large areas of RR/Rural Residential. Within the Village of Upper Crossroads there is VR/Village Residential, VB/Village Business and B1/Neighborhood Business District. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 10).

### SUMMARY:

The Applicants are requesting approval for a special exception pursuant to Section 267-53F (8) of the Harford County Code, to permit a personal care boarding home in the Agricultural District.

Section 267-53F(8) of the Harford County Code reads:

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- (8) *Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*

The subject property is zoned AG/Agricultural.

- (a) *The proposed use shall be located in a single-family detached dwelling.*

The property contains a 5 bedroom single-family detached dwelling.

- (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*

The Applicant's property is 2.9 acre in size. The minimum size for lots in the Agricultural District is 2 acres.

- (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*

The lot is approximately 126,324 square feet in size. The applicants state that they presently have 3 boarders and they are seeking approval for 5 boarders with ultimate goal of 14 boarders. The requested amount of boarders meets the density requirements. However, the Health Department provided comments in a letter dated July 12, 2006. The letter states that the septic system is sized for a total of 10 occupants including family members. This would allow for 4 boarders and one full time worker. Any expansion of the facility would require soil percolation test and upgrades of the septic system (see Attachment 11).

- (d) *Adequate off-street parking shall be provided.*

The site plan indicates that 8 spaces can be provided.

- (e) *Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Not applicable to the request.

### Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County. The predominant land use in this area is agriculture. There are minor residential developments in the area. The proposed use of the property will not adversely impact persons living or working in the area.



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- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Baldwin Mill Road (MD Route 165) is a State owned and maintained roadway. It is listed in the County's adopted Transportation Plan as a Major Collector – Rural road from the Baltimore County Line to Route 23. The proposal should not impact traffic in the area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the AG/Agricultural District with Board of Appeals approval. The Applicant can meet and/or exceed the Code requirements. This use serves a need within the community. The request will not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should have no impact on the surrounding community pursuant to the issues listed in this section.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Fallston and Jarrettsville Volunteer Fire Departments will provide the primary fire protection and emergency assistance to the site. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The use is consistent with generally accepted planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should have no impact on any of the uses listed in this subsection.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the 2004 Master Plan.

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- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposed use will have no impacts on surrounding natural features.

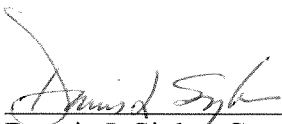
- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The number of boarders shall be limited to four (4). One full time employee shall be permitted.
2. The Applicants shall prepare a detailed site plan to be reviewed and approved thru the Development Advisory Committee.
3. The Applicants shall obtain all necessary permits and inspections.
4. Any future expansion of the Boarding home will require additional Board of Appeals approval.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf